

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

RICHARD J. SILVERSTEIN, et al. \*

Plaintiffs \*

vs. \* CIVIL ACTION NO. MJG-12-2430

WESTFAX, INC., et al. \*

Defendants \*

\* \* \* \* \*

MEMORANDUM AND ORDER

The Court has before it Plaintiffs' Motion to Certify Question of Maryland Law to the Maryland Court of Appeals [Document 60]. The Court finds that neither a response nor a hearing is necessary.

Plaintiff seeks certification of an appeal to the Maryland Court of Appeals<sup>1</sup> of the question whether a private individual can recover statutory damages under the Maryland and Federal Telephone Consumer Protection Acts for an action that violated both statutes.

At least on the current state of the record, Plaintiffs have shown neither that the question presents a controlling

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<sup>1</sup> Plaintiffs do not address the extent to which the United States Court of Appeals for the Fourth Circuit would also be an appropriate appellate venue.

issue of law<sup>2</sup> nor that immediate appeal from the said Order would materially advance the ultimate termination of the litigation.

Accordingly, Plaintiffs' Motion to Certify Question of Maryland Law to the Maryland Court of Appeals [Document 60] is DENIED WITHOUT PREJUDICE to renewal should circumstances warrant.

SO ORDERED, on Wednesday, January 9, 2013.

/s/  
Marvin J. Garbis  
United States District Judge

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<sup>2</sup> Plaintiffs do not suggest that they would dismiss their claims if the Maryland Court of Appeals should disagree with their position.